



Implementation of the Environmental Advisory Rules Committee's (ARC) Recommendations

Office of Waste Management and Radiological Protection

April 2013

Recommendation RM-2: Beneficial Reuse

[HB 5953](#) was introduced by Representative Huuki and referred to the House Committee on Natural Resources, Tourism, and Outdoor Recreation on September, 27 2012. The bill amends and add sections to Part 115 (Solid Waste Management) and amends sections of Part 201 (Environmental Remediation) of the Natural Resources Environmental Protection Act, 1994 PA 451, (NREPA). The bill was not acted on in the 2012 legislative cycle. The DEQ will continue to work with industry on this issue with hope of getting a consensus bill drafted this spring.

Recommendation RM-3: Hazardous Waste Regulations

A request for rulemaking to amend the Hazardous Waste Management rules was approved by the Office of Regulatory Reinvention (ORR) on September 24, 2012. It is identified as [2012-108 EQ](#). The purpose of the rulemaking is to (1) maintain federal authorization to administer the state's Hazardous Waste Management Program under NREPA, in lieu of the federal Hazardous Waste Management Program under the Resource Conservation and Recovery Act of 1976, as amended, by the Hazardous and Solid Waste Amendments of 1984 (RCRA); (2) to improve the overall quality of the rules, both in terms of clarification of existing requirements and areas of program coverage; and (3) to reduce some of the regulatory burdens on the regulated community by providing streamlined and flexible requirements, including the implementation of Recommendations RM-3 and RM-7.

This rule package is in process. The Office of Waste Management and Radiological Protection (OWMRP) is proposing the deletion of 17 discarded commercial chemical products; off-specification species; container residues; and spill residues thereof as toxic hazardous wastes listed in R 299.9226 (i.e., Table 205c). These 17 waste codes were proposed for deletion as they either duplicated federal listings. OWMRP had scientific information suggesting that their listing was no longer warranted, and/or the definition of the listing made it difficult to determine what should and should not be included in the listing (e.g., class listings).

OWMRP advanced the proposed deletions based on the science behind the listing and what they knew about the waste. OWMRP did not propose additional waste codes for deletion at this time since the remaining codes need to be further evaluated with respect to the basis of the original listing, prevalence in industry, presence at sites of environmental contamination, and science associated with the specific chemicals. OWMRO resources do not allow for that type of evaluation in the time period needed to advance the current rules package. They are committed to continuing the review of the remaining waste codes in subsequent rules packages.

Recommendation RM-4: Rescind/Repeal Michigan PCB Regulations (COMPLETED)

Recommendation RM-4 proposed that the 19 PCB rules should be rescinded and that Part 147 of NREPA should be amended as necessary to remove PCB regulations from Michigan statute. [SB 1328](#) (2012 PA

446) was signed into law by the Governor on December 22, 2012. The bill repeals Subpart 1, PCB Compounds, of Part 147. The bill also rescinds PCB related rules (R 299.3301 to R 299.3319).

Recommendation RM-7: Hazardous Waste User Charge and Manifest Systems

The Hazardous Waste User Charge Work Group provided their recommendations for an updated fee schedule to the DEQ Director Wyant. Director Wyant evaluated the recommendations and in turn provided his input to the state budget office for consideration for the fiscal year 2014 budget cycle. The recommendation needs to be approved first by the Governor and then through the legislative process as part of the 2014 budget bill.

ORR 2012-108 EQ does contain a rule change that will minimize the paperwork associated with manifests. The manifest itself is a federal form that we don't have the authority to amend. The rules package contains a revision that would eliminate the requirement for the generator to submit the initial copy of the manifest. The generator would not need to submit the final copy unless the waste is stored, treated, and/or disposed of out-of-state and the out-of-state designated facility fails to submit a copy of its manifest to the DEQ as required. In this case, the DEQ will retain the authority to require the generator to provide the final copy of manifest showing receipt by the out-of-state facility. We are not proposing any other rule revisions relative to minimizing manifest paperwork or electronic manifesting at this time. The DEQ has requested to the USEPA that we participate in activities related to the federal electronic manifest project. We are also trying to pilot an electronic manifest information submittal system with the licensed hazardous waste treatment, storage and disposal facilities; however, this effort is occurring outside of a formal stakeholder group.

Two specialists from the OWMRP attended a two-day electronic manifest meeting hosted by the US Environmental Protection Agency in early March 2013 to continue their efforts to move the electronic manifest informational submittal system forward in a way that works best for the Industry and the DEQ.

Recommendation RM-8: Medical Waste Storage Accumulation Limitation

[SB 1334](#) was introduced by Senator Robertson and referred to the Committee on Health Policy on September 27, 2012. This bill amends Sections 13809 and 13811 of the Public Health Code, 1978 PA 368. This bill was not acted on in the 2012 legislative cycle.